

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

TERRYN RISK,

Civil Action No. 05-1068

Plaintiff,

vs.

Magistrate Judge Lenihan

BURGETTSTOWN BOROUGH,
PENNSYLVANIA,

Defendants

PLAINTIFF'S REQUESTED VOIR DIRE QUESTIONS

Plaintiff Terryn Risk, by undersigned counsel, proposes the following voir dire questions be asked when questioning the jury panel.

1. FAMILY:

Please tell us something about yourself and your family:

- Where do you live?
- Where do you work?
- What is your educational background?
- What is your marital status?
- Who are the other members of your family, and what do they do.

2. OCCUPATION:

Please tell us about where you work and your job responsibilities.

- How long have you had your present job?

Please tell us about the other types of jobs you have held, and how long you were employed at those jobs.

Have you ever been laid off, terminated or fired from a job?

- Please explain

3. SPOUSE:

What kind of responsibilities does your spouse or significant other have in his/her job?

4. PARENTS:

What are/were your parents' occupations?

5. EDUCATION:

What is your education?

Have you ever taken any courses in law, personnel relations or human resources?

6. ORGANIZATIONS:

Do you do any volunteer work or belong to any neighborhood or social clubs, union or professional organizations, political or church-related organizations? organizations?

IF YES:

- Please tell us about that.

- Have you been an officer or served on committees for that organization?

- How active are you in these clubs or organizations?

7. HOBBIES/SPARE TIME ACTIVITIES:

What kinds of spare time activities do you enjoy, such as sports or hobbies?

8. BOOKS / MAGAZINES:

What kinds of books/magazines do you like to read?

What is your favorite television show?

Do you ever read any books/magazines or watch TV programs about the legal system - the courts?

IF YES:

- What do you like about those kinds of books/magazines/tv shows?
- Do you think they are realistic about the way the legal system works?

9. RESIDENCE:

How long have you lived in this area?

Where else have you lived?

Where did you grow up?

How many times have you moved during your life?

10. MILITARY:

Were you ever in the military or the reserves?

IF YES:

- When, where, what branch were you in, and for how long?
- What did you do in the military?

QUESTIONS TO THE GROUP

11. PERSONAL KNOWLEDGE OF ATTORNEYS, PARTIES, WITNESSES:

Richard Alvarez
Pam Church
Ryan Hoffman
J. Daniel Johnson
Dennis McCracken
Andrew Miller
Joseph Murray
Billy Nichols
Mark Pompe
Amy Prevost
Amber Price
George Roberts
Paul Walsh
Joseph Yost

IF KNOWS WITNESS:

- How do you know this person?
- How long have you known this person?
- How well do you know this person?
- If this person testified to one thing, and someone else who you don't know testified to something else, do you think you would believe the person you know?

12. KNOWLEDGE OF CASE:

How many of you have read or heard anything about this case, where Terryn Risk, a former part time police officer for Burgettstown, is suing Burgettstown Borough alleging that it discriminated against him because of his religious beliefs, and retaliated against him when he complained that he was being discriminated against and Burgettstown Borough denies this charge.

IF YES: [Examine Juror at Bench]

- What did you read or hear about this case?
- Do/Did you have an opinion about whether Mr. Risk was discriminated against?
- How do you think what you have read and heard will affect you in being an objective juror in this case?

13. JURY DUTY

How many of you have ever been jurors before today?

IF YES:

- When was that, and what court were you in?
- What was that case about?
- Did you come to a verdict?
- How did you feel about that experience?
- Were you the foreperson?

- How does that experience make you feel about being a juror in this case?

14. LAWSUITS:

How many of you, or someone close to you, have ever filed a lawsuit or made a claim against someone, or had a lawsuit or claim brought against you?

IF YES:

- Please tell us about that situation:
- Did you/they have to go to court? Did you/they testify?
- What was the outcome?
- How do you feel about that outcome?
- Were you satisfied with the outcome?
- How do you feel about the way the court system worked in that case?

How many of you, or someone close to you, have ever been involved in some other way in any kind of lawsuit -- such as giving a deposition, or being a witness?

IF YES:

- Please tell us about that situation.
- How do you feel about the way the court system worked in that case?

15. CONTACT WITH COURT PERSONNEL:

How many of you know anyone who has worked or now works in the courts, such as a lawyer or a law clerk, or for the courts in any way?

IF YES:

- Who is this person?
- How do you know this person?
- What type of work do they do?
- For how long have they been doing this work?

16. CONTACT WITH POLICE OFFICERS AND LAW ENFORCEMENT:

How many of you or someone close to you have ever worked for a police department or any other law enforcement agency?

IF YES:

- Please explain.
- What department is this?
- In this case, Mr. Risk is a former part time police officer who worked for the Burgettstown Borough police department. He bringing a claim that he was discriminated against because of his religious beliefs and then retaliated against by being dismissed after he complained about religious discrimination. How do you think your connection to law enforcement might affect you in being a juror in this case?
- Is there anything about your connection to law enforcement that would make you favor any party in this case?

17. CONNECTION TO BURGETTSTOWN BOROUGH

How many of you or someone you know have, or have had, any kind of connection to Burgettstown Borough -- either you or someone you know lives or has lived there, works, or has worked there, or has business dealings with Burgettstown agencies or departments?

IF THE JUROR HAS A CONNECTION:

- Please describe your connection to Burgettstown.
- How do you feel about your connection to the City of Burgettstown?
- Would you say that you feel a certain kind of loyalty to Burgettstown because of your connection?
- Is there anything about your connection to Burgettstown that would make you favor any party in this case?

IF THE JUROR KNOWS SOMEONE WHO WORKS FOR, OR HAS WORKED IN THE PAST FOR BURGETTSTOWN:

- How do you know this person?
- How long has this person worked for Burgettstown Borough?

- What does this person do?
- Is there anything about your connection with someone who works for Burgettstown that would make you favor either party in this lawsuit?

18. RELIGIOUS DISCRIMINATION LAWS:

It is against the law for an employer to discriminate against an employee on the basis of their religious beliefs. It also is against the law for an employer to retaliate against an employee because he complains of religious discrimination. Does anyone have any problems with these laws?

IF YES:

- What are your feelings about this law?

19. EMPLOYERS' POLICIES

How many of you work for employers that have a written policy involving religious discrimination?

IF YES:

- What aspects does the policy cover?

Do any of you think an employer *should* be able to take a person's religious beliefs or practices into account when making employment decisions?

IF YES:

- Why do you feel that way?
- How strongly do you feel about that?

Do any of you feel that our society has gone too far in making laws to regulate what goes on in the workplace?

IF YES:

- Why do you feel that way?
- How strongly do you feel about that?

20. RELIGIOUS EXPERIENCES AND ATTITUDES

How many of you have ever known someone who is a member of an Evangelical Covenant Church, or a member of the Weirton Covenant Church?

IF YES:

- How did you know this person?
- Do or did you ever discuss his/her religion?
- Do you have any negative feelings about the Evangelical Church or its members?

How many of you have been involved in any situations, such as in your neighborhood, school, or at work, where there has been religious tension or problems because of someone's religious beliefs or practices or because of their religious expression?

IF YES:

- Please tell us what happened.
- What do you think was the cause of that problem?
- How was it resolved?
- What did you think of the resolution?

Have any of you have ever had a negative experience with someone because of religious differences?

IF YES:

- Is this something you would rather talk about more privately?
- Please tell us about that.
- How do you think that this has affected your feelings about people from that religion in general?
- How do you think that this has affected your feelings about people who are deeply religious in general?

Do any of you have negative feelings about people who are deeply religious?

IF YES:

- Please explain.

- How do you think those feelings will affect you in this case where Mr. Risk is a deeply religious person?

How many of you feel that a person should not wear a Christian cross in public – either around the person's neck or as a lapel pin or other jewelry?

IF YES:

- Why do you feel that way?
- How strongly do you feel about that?

How many of you feel that a police officer should not wear a Christian cross when he or she is working?

IF YES:

- Why do you feel that way?
- How strongly do you feel about that?

Mr. Risk is a member of an Evangelical Covenant Church. Do any of you have any feelings or beliefs that would make it difficult to be a juror on this case because of his religion?

IF YES:

- Please explain.

Do any of you have feelings about Evangelical Christians that might interfere with your ability to be objective about Mr. Risk's claim that he was discriminated against because of his religious beliefs?

IF YES:

- What do you think about your ability to do that?

21. DISCRIMINATION

Have any of you, or someone you know, ever been the victim of discrimination or harassment of any kind?

IF YES:

- Describe the circumstances.

- Did you complain to anyone?

IF YES:

- How was that resolved?
- How did you feel about the resolution?
- Is there anything about this experience that would make you favor either Mr. Risk or Burgettstown Borough in this case?

Have any of you, or someone you know, ever been accused of discrimination or harassment of any kind?

IF YES:

- Describe the circumstances.
- Did you complain to anyone?

IF YES:

- How was that resolved?
- How did you feel about the resolution?
- Is there anything about this experience that would make you favor either Mr. Risk or Burgettstown Borough in this case?

Have any of you have ever worked for a company that was accused of any kind of discrimination?

IF YES:

- Please describe the circumstances.
- Were you involved in the allegations?
- Were you a witness?
- Were you involved in the investigation?
- Is there anything about your experience that would make you critical of claims of discrimination?

How many of you have ever attended any seminars for your job which discussed lawsuits or company liability issues?

IF YES:

- What kinds of things did they discuss?

22. SUPERVISION:

How many of you have ever been a supervisor or in management?

IF YES:

- What were or are your responsibilities?
- Do/did your supervisory responsibilities involve hiring, firing, or disciplining of people who you supervised?

IF YES:

- Please tell us about what that involved.
- How many people have you fired?
- Have you ever had a complaint filed against you by an employee?

IF YES:

- Please tell us about what that involved.
- Have you ever had anyone accuse you of any kind of wrongdoing in hiring, firing, disciplining, or some other employment-related action?

IF YES:

- Please tell us about what that involved.

23. BUSINESS OWNERSHIP:

How many of you have ever owned a business?

IF YES:

- What is the nature of the business?

- How many employees are in the business?
- What is/was your role in the business?
- Do you have any hiring or firing responsibilities?
- Have you ever had a complaint or lawsuit filed against you by an employee relating to employment?

24. EMPLOYER/ ORGANIZATIONS SUED:

How many of you have worked for any business that has ever been sued for discrimination of any kind or had a claim of discrimination brought against it?

IF YES:

- What was the suit about?
- What was your role, if any?
- How did that lawsuit affect you?
- How did that lawsuit affect the company?
- What was your opinion about the lawsuit?

How many of you have belonged to, or volunteered for, an organization that has been sued?

IF YES:

- What was the nature of the suit?
- What was your role, if any?
- How did that lawsuit affect you?
- How did that lawsuit affect the organization?

25. EMPLOYMENT DISPUTES:

How many of you have ever had anything to do with any kind of dispute over employment that we have not yet talked about -- such as employee complaints, employment hearings or any other issue having to do with employee/employer relations?

IF YES:

- Please tell us about that.
- How do you think that experience might affect your ability to be fair and impartial as a juror in a case where someone is suing an employer?

26. ATTITUDES TOWARDS LAWSUITS:

Do any of you think that there are too many lawsuits?

IF YES:

- Why do you say that?
- Are you thinking of any particular lawsuits when you say that?

IF YES:

- What was that lawsuit about?
- How closely did you follow that suit?
- Do you think that is typical of what happens in most lawsuits?
- How do you think that your attitude that there are too many lawsuits will affect you in being a juror in this case where Mr. Risk is suing Burgettstown Borough for discrimination?

Does anyone have negative feelings about people bringing discrimination lawsuits?

IF YES:

- Why do you say that?
- Are you thinking of any particular lawsuits when you say that?

IF YES:

- What was that lawsuit about?
- How closely did you follow that suit?
- Do you think that is typical of what happens in most lawsuits?
- How do you think that your negative feelings about discrimination lawsuits will affect you in being a juror in this case where Mr. Risk is suing

Burgettstown Borough for discrimination?

27. FINAL QUESTIONS:

Is there anything that comes to mind, something we talked about earlier, or something you just remembered, that you feel could affect your ability to be fair and impartial in this case?

The bottom line here is whether any of you have feelings that would interfere with your ability to be objective and impartial to either side. We need jurors who will say, maybe Burgettstown did discriminate or retaliate; maybe it didn't – I need to see the evidence. Is there anyone who feels that they will not be able to be objective?

Respectfully submitted,

OGG, CORDES, MURPHY & IGNELZI

/S/ Samuel J. Cordes

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CERTIFICATE OF SERVICE

I hereby certify on this 19th day of March, 2008, I served a copy of *Plaintiff's Proposed Additional Voir Dire* via electronic mail upon the following:

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/S/ Samuel J. Cordes

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